

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-319

William Hammer, HKT
Architects, Inc.

Appellant

vs.

David C. Holmes, State
Building Inspector

Appellee

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 780 CMR 1016.5 of the Massachusetts State Building Code ("MSBC") for Fitchburg State College, 160 Pearl Street, Fitchburg, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on November 2, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the owner, Fitchburg State College, was William Hammer of HKT Architects ("Appellant"). Also present at the hearing were: Janet Chrisos, Massachusetts State College Building Authority; Edward Adelman, Massachusetts State College Building Authority; and David C. Holmes, State Building Inspector, Department of Public Safety.

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

Findings of Fact

1. The subject project involves the addition of an entrance vestibule to the existing Recreation Center at Fitchburg State College including a new concrete path to the street. Relief is sought for eliminating 4" on center balusters to the exterior guard rails when the sloped walk is at the same grade as the adjacent ground surface.
2. For the new entrance as depicted in Exhibit 3, the edges of the subject ramp have no difference in elevation with the surrounding grades, and no loss of safety to the public.
3. The State Building Inspector had no objection to granting the variance.

Discussion

A motion was made to Grant the Appellant's request for a variance from 780 CMR 1016.5 allowing for the omission of guards in the location of the subject ramp as further depicted in Exhibit 3. The motion was unanimously approved under each section of the Code.

Conclusion

The Appellant's request for variance from 780 CMR 1016.5 is hereby GRANTED.


SO ORDERED.



TIM RODRIQUE



HARRY SMITH



STAN SHUMAN

DATED: January 26, 2007

** In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*